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20 HEALTHCARE, INC. and GE HEALTHCARE BIO-
21 SCIENCES CORP.

22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

24 PETER JAY GERBER AND MIRIAM
25 GOLDBERG,

26 Plaintiffs,

27 v.

28 BAYER CORPORATION AND BAYER
HEALTHCARE PHARMACEUTICALS,
INC.; BMC DIAGNOSTICS, INC.;
CALIFORNIA PACIFIC MEDICAL
CENTER; GENERAL ELECTRIC
COMPANY; GE HEALTHCARE, INC.;
GE HEALTHCARE BIO-SCIENCES
CORP.; McKESSON CORPORATION;
MERRY X-RAY CHEMICAL CORP.; and
DOES 1 through 35,

Defendants.

Case No. CV-07-5918 JSW

DECLARATION OF LARRY LAWSON

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I, Larry Lawson, declare and say that:

1. I am employed as President of Merry X-Ray Chemical Corporation ("Merry X-Ray"), a defendant named in this action. I am over the age of 18 and competent to make this declaration. All of the facts stated in this declaration are of my own personal knowledge, and if called as a witness I would and could testify competently to these facts.

2. Merry X-Ray is engaged in the business of distributing and selling various medical products. With regard specifically to the product known as Omniscan and Magnevist, Merry X-Ray's role in the chain of distribution is, and has always been, to sell this product line to various imaging facilities in the same packaging in which it was received from the manufacturer. Merry X-Ray does not, and did not, design, manufacture, market or administer any gadolinium-based contrast agents, including but not limited to Omniscan and Magnevist. Merry X-Ray does not, and did not, design, assemble or otherwise provide any of the packaging, labels or warnings for any gadolinium-based contrast agents, including but not limited to Magnevist and Omniscan. Merry X-Ray does not, and did not, design, test, manufacture, label, or market any gadolinium-based contrast agents, including but not limited to Omniscan and Magnevist.

3. With respect specifically to the products known as MRI and MRA machines used in conjunction with gadolinium-based contrast agents, Merry X-Ray has, and had no function or role in the chain of distribution of these machines, including but not limited to

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1 no role in the designing, testing, manufacturing, labeling or marketing of these products.

2 I declare under penalty of perjury under the laws of the United States of America
3 and the State of California that the foregoing is true and correct.

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5 Dated: December 14, 2007



6 Larry Lawson, Declarant